

**State of California**  
**Santa Ana Regional Water Quality Control Board**

Minutes of the February 3, 2023 Board Meeting  
City of Anaheim  
200 South Anaheim Boulevard  
Anaheim, CA 92805

Board Member Ruh called the meeting to order at 9:01 a.m.

Court Reporter recorded items: 1, 4, 5, 6, 7, 8, 9, 10 and 11.

**Item 1. Introductions**

\*\*\* Indicates that attendance was virtual.

Board Members Present at Board Meeting

Kris A. Murray, Chair\*\*\*  
Letitia Clark, Vice Chair\*\*\*  
William Ruh, Acting Chair  
Gloria Alvarado  
John Scandura

Board Members Absent at Board Meeting

None

Staff Present at Board Meeting

Jayne Joy, Executive Officer  
Ann Sturdivant, Assistant Executive Officer  
Nick Amini, Division Manager  
Eric Lindberg, Division Manager  
Jessica Baenre, Executive Assistant  
Daniel Mefford, Information Technology Specialist I  
Don Nguyen, Information Technology Associate  
Hossein Shahrokhnia, Environmental Scientist  
SueAnn Neal, Environmental Scientist  
Barbara Barry, Senior Environmental Scientist  
Patrick Lewis, Environmental Scientist  
Michelle Beckwith, Senior Environmental Scientist

State Water Board Present at Board Meeting

Dorene D'Adamo, State Water Board Liaison\*\*\*  
Katharine Bramble, Regional Board Counsel

Court Reporter Present at Board Meeting

Marlee Nelson\*\*\*

Public Attendance Present at Board Meeting

Ray Hiemstra, Orange County Coastkeeper

Alfred Javier, San Jacinto Coalition/ EMWD

Theresa Dunham, Kah, Soares & Conway\*\*\*

Pat Boldt, Executive Direction – Western Riverside County Agricultural Coalition\*\*\*

Jim Klang, TBL Consultants\*\*\*

Bruce Scott, WRCAC Chairman\*\*\*

**Item 2. Public Forum**

Ray Hiemstra, Associate Director of Orange County Coastkeeper mentioned that a significant issue noticed in 2022 was the reduction of transparency in the public process. Mr. Hiemstra cited the MS4 permit as an example and would like a true stakeholder process initiated before the draft is released to give everyone a voice on the MS4 permit.

**Item 3. State Water Resources Control Board (State Water Board) Liaison Report**

None

**Item 4. Election of Santa Ana Water Board Officers for 2023**

*Information pertaining to this item is contained in a verbatim transcript of the proceedings.*

The nominating committee met to discuss the election of Board Officers for 2023. Board Member Alvarado and Board Member Ruh recommended the re-election of Ms. Kristine Murray to continue serving as Chair, and Ms. Letitia Clark to serve as Vice Chair for 2023.

Board Member Ruh asked the Board Members for a motion and asked Board Clerk Ms. Baenre for a roll call vote.

*Motion: It was moved by Board Member Scandura, seconded by Board Member Alvarado, and unanimously carried to elect Ms. Kristine Murray to serve as Chair, and Ms. Letitia Clark to serve as Vice Chair for 2023.*

Roll call vote: Board Member Scandura- Aye, Board Member Alvarado- Aye, Board Member Clark- Aye, Board Member Ruh- Aye, Chair Murray- Aye.

**Item 5. Regional Board Meeting Minutes of December 2, 2022**

*Information pertaining to this item is contained in a verbatim transcript of the proceedings.*

Board Member Ruh asked the Board Members for a motion and asked Board Clerk Ms. Baenre for a roll call vote.

*Motion: It was moved by Chair Murray, seconded by Board Member Scandura, and the Minutes of the December 2, 2022 Board Meeting were approved by roll call vote.*

Roll call vote: Board Member Scandura- Aye, Board Member Alvarado- Aye, Board Member Ruh- Aye, Vice Chair Clark- Aye, Chair Murray- Aye.

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**Item 6. Consideration of the Consent Calendar items are listed with an asterisk**  
*Information pertaining to this item is contained in a verbatim transcript of the proceedings.*

Board Member Ruh asked the Board Members for a motion and asked Board Clerk Ms. Baenre for a roll call vote.

Item \*7. Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification for California Department of Water Resources, Perris Dam Emergency Release Facility (ERF) Project, Riverside County, Order Number R8-2023-0010

Item \*8. Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification for County of Riverside Transportation Department, Gilman Springs Shoulder and Median Widening Project, Riverside County, Order Number R8-2023-0011

*Motion: It was moved by Board Member Alvarado, seconded by Board Member Scandura, and unanimously carried to adopt Orders R8-2023-0010 and R8-2023-0011 as presented by roll call vote.*

Roll call vote: Board Member Scandura- Aye, Board Member Alvarado- Aye, Board Member Ruh- Aye, Vice Chair Clark- Aye, Chair Murray- Aye.

**Item 9. General Waste Discharge Requirements for Discharges of Waste from Irrigated Lands in the San Jacinto River Watershed, Riverside County, Order Number R8-2023-0006**

*Information pertaining to this item is contained in a verbatim transcript of the proceedings.*

This item was presented by regional board staff SueAnn Neal, Environmental Scientist.

Ms. Neal explained that the agricultural activities in this order fall under the category of nonpoint source, which is a combination of different and diffuse sources. Nonpoint source pollution typically occurs from sources such as runoff, precipitation, atmosphere, deposition, drainage, seepage, or hydrological modification. Ms. Neal stated that prevention and minimization of pollution from these sources is the most successful form of control. Order R8-2023-0006 complies with the nonpoint source policy by requiring dischargers to implement management practices (MPs) and adaptive management.

In 2013, the State Water Board convened a panel of experts to assess the existing agricultural regulatory programs and develop recommendations to help guide future regulatory land programs, the panel consisted of eight agricultural professionals. Four public comment meetings and four public workshops were held in various locations to solicit input from stakeholders. The expert panel recommended the following key elements:

- Establish Coalitions
- Nitrogen A/R Ratios

- Education and Outreach
- Irrigation and Nitrogen Management Plan
- Field Level Reporting
- Groundwater Trend Monitoring
- Nitrogen Management Research
- Multiyear Values/ Trends

In 2018, the State Water Board adopted an order that reviewed and revised an existing agricultural order for growers in the Eastern San Joaquin Watershed. The precedential order implemented many of the findings from the agricultural expert panel and made them requirements for the statewide irrigated lands program. The State Water Board directed regional Boards to implement the precedential requirements within five years or by February 2023.

Ms. Neal mentioned that the proposed irrigated lands general order would replace the current conditional waiver. The proposed general order complies with the water code, state nonpoint source policy, and the precedential State Water Board requirements. The order applies to commercial irrigated lands with a minimum of 20 cumulative acres that produce crops or are used as pasture, dry-land farming operations, and industrial hemp. The order does not apply to non-irrigated lands, operations under 20 cumulative acres, animal operations, or activities regulated by other Water Boards orders.

Ms. Neal recommended the adoption of order R8-2023-0006, incorporating the changes made in response to comments received.

Board Members asked questions and provided comments.

Public Comment: Alfred Javier, Chairperson for the San Jacinto Coalition and Director of Environmental & Regulatory Compliance at Eastern Municipal Water District spoke and stated that the San Jacinto Coalition supported the approval of Order Number R8-2023-0006.

Board Members provided additional questions and comments.

It was noted by Board Member Ruh that item 9 had an errata sheet.

Board Member Ruh asked the Board Members for a motion and asked Board Clerk Ms. Baenre for a roll call vote.

*Motion: It was moved by Board Member Scandura, seconded by Board Member Alvarado, and unanimously carried to adopt Order R8-2023-0006 with the errata sheet as presented by roll call vote.*

Roll call vote: Board Member Scandura- Aye, Board Member Alvarado- Aye, Board Member Ruh- Aye, Vice Chair Clark- Aye, Chair Murray- Aye.

## **Item 10. 2024 Integrated Report**

*Information pertaining to this item is contained in a verbatim transcript of the proceedings.*

This information item was presented by regional board staff Barbara Barry, Senior Environmental Scientist and Patrick Lewis, Environmental Scientist.

Ms. Barry stated that the purpose of the Integrated Report is to assess data and report on the quality of surface waters throughout the state to the United States Environmental Protection Agency (USEPA). The Integrated Report consists of two parts, the 303(d) list and the 305(b) report. Waters on the 303(d) list require the development of Total Maximum Daily Loads (TMDLs) and the 305(b) report is the overall condition of surface water quality. The Listing Policy is a statewide policy that establishes a standard approach for listing, delisting and policy implementation, it was adopted in 2004 and amended in 2015.

Ms. Barry explained that the Integrated Report is required to be submitted to USEPA every two years per the Clean Water Act. Each submission period is called a cycle and each cycle includes an Integrated Report from three regions and a portion of the Central Valley Region. On-cycle is every six years and the last cycle that the Santa Ana Water Board submitted an Integrated Report was in 2018.

Mr. Lewis explained the line of evidence process, decision process, potentially healthy category, impaired category and TMDLs.

Mr. Lewis shared the Santa Ana Water Board's 2024 draft Decision numbers:

- 83 decisions were classified as list
- 2,279 decisions were classified as do not list
- 61 decisions were classified as do not delist

Ms. Barry shared the following important dates:

- 02/03/23 Public Notice
- 02/17/23 Staff Report & notice of SB Hearing (public comment period starts)
- 03/21/23 State Water Board Hearing
- 04/03/23 Public comment period ends
- 12/2023 State Water Board Consideration of Adoption
- 02/2024 Submittal to USEPA

Ms. Barry mentioned that comments could be sent to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov) and anyone interested in receiving further notifications on the Integrated Report is asked to subscribe to the State Water Board's email list online.

Board Members asked questions and provided comments.

Public Comment: Theresa Dunham, regulatory facilitator for several task forces in the Santa Ana region, mentioned that she looks forward to reviewing the Integrated Report and will continue to work with staff to address water quality issues.

## **Item 11. Stormwater Enforcement Update**

*Information pertaining to this item is contained in a verbatim transcript of the proceedings.*

This information item was presented by regional board staff Michelle Beckwith, Senior Environmental Scientist.

Ms. Beckwith provided an overview of the Santa Ana Water Board's enforcement process for stormwater violations where monetary penalties were assessed and issued during the 2020 through 2022 fiscal years.

Ms. Beckwith explained three monetary enforcement actions: Expedited Payment Letter (EPL), Mandatory Minimum Penalty (MMP) and Administrative Civil Liability (ACL). Ms. Beckwith mentioned that EPLs are a new enforcement tool that streamlines the settlement process, significantly reduces staff time and are the first step in pursuing monetary penalties.

Ms. Beckwith also explained the monetary penalties and associated costs. For a non-filer of permit coverage, the discharger is assessed a penalty of \$5,000 + staff costs. For a non-filer of annual reports (technical reports), the discharger is assessed a penalty of \$1,000 + staff costs. For TMDL Numeric Effluent Limit Exceedances, the discharger is assessed a penalty of \$3,000 per violation.

Ms. Beckwith shared the following data:

### FY 19/20

#### Industrial General Permit

- Annual Report Non-Filer: 8 EPLs (\$1,534- \$1,905)
- Permit Coverage Non-Filer: 3 EPLs (\$5,336- \$7,840)\*

#### Scrap Metal Permit

- Permit Coverage Non-Filer: 1 EPL (\$6,492)

#### Construction General Permit

- Permit Coverage Non-Filer: 1 EPL (\$6,795)

### FY 20/21

#### Industrial General Permit

- Annual Report Non-Filer: 2 EPLs (\$1,336- \$1,621)
- Permit Coverage Non-Filer: 2 EPLs (\$5,750-\$6,164)

#### Construction General Permit

- Annual Report Non-Filer: 3 EPLs (\$1,621 each)
- Failure to implement BMPs & dischargers: 1 ACL (\$565,304)

### FY 21/22

#### Industrial General Permit

- Annual Report Non-Filer: 9 EPLs (\$1,324- \$3,421)
- Permit Coverage Non-Filer: 5 EPLs (\$5,211- \$5,334)\*
- Permit Coverage Non-Filer: 1 MMP (\$6,605)\*

- Permit Implementation: 1 ACL (\$170,080)
- TMDL NEL Exceedances: 3 EPLs (\$6,000- \$36,000)

#### Scrap Metal Permit

- Annual Report Non-Filer: 1 EPL (\$1,380)

#### Construction General Permit

- Annual Report Non-Filer: 11 EPLs (\$1,829- \$2,037)

#### FY 22/23\*

#### Industrial General Permit

- Permit Coverage Non-Filer: 1 EPLs (\$5,497)
- TMDL NEL Exceedances: 3 EPLs (\$3,000- \$30,000)

#### Construction General Permit

- Annual Report Non-Filer: 1 MMP (\$4,655)

Board Members asked questions and provided comments.

#### **Item 12. Executive Officer's Report**

Ms. Joy submitted a report summarizing the key accomplishments of the Santa Ana Water Board for the 2022 calendar year.

#### **Item 13. Board Member and Executive Officer Communications**

Board Member Scandura mentioned that he looks forward to working with everyone in 2023, discussed the Executive Officer's Report and thanked staff.

Board Member Alvarado congratulated the Santa Ana Water Board for the accomplishments made in 2022 and spoke a message in Spanish informing the public that information is available on our website.

Vice Chair Clark discussed the Executive Officer's report, diversity, racial equity and inclusion efforts and thanked Executive Officer Joy. Vice Chair Clark appreciated that racial equity and inclusion is a priority.

Chair Murray discussed the Executive Officer's report, thanked Board member Ruh, the City of Anaheim and staff. Chair Murray stated that she is honored to serve as Chair for 2023.

Board Member Ruh thanked the City of Anaheim, staff, and the public.

#### **Closed Session**

None

#### **Adjournment**

Board Member Ruh adjourned the meeting at 10:56 a.m.

Respectfully submitted:

**JAYNE JOY, P.E.**  
Executive Officer

*/jb*